REMARKS

Claims 1, 4, 6-11, 19-22 and 24-26 are pending in this application. Claim 1 is currently amended.

I.   Rejections under 35 USC §112

Claim 1, lines 10-13, is rejected under 35 U.S.C. §112, first paragraph as not to have support "for the specification in juxtaposition with the drawings, as originally filed."

The Applicants believe what the Examiner refers as lines 10-13 is step (b) of claim 1. The rejection that the "claimed does not appear to have support for the specification in juxtaposition with the drawings, as originally filed" is confusing but proper support can be found in the specification for the claim. Support can be found at least at the following locations.

First, the use of password is well supported in the specification as follows: "Password protection is provided for those who choose it." (paragraph 0019), "…Tributes can be password protected." (paragraph 0132), and "password protection may be utilized such that only a particular user or users may make future additions or deletions to specific tributes." (paragraph 0022).

Second, the use of permission to access to an account is well supported in the specification. For example, the Applicants clearly described that an account is established by a remote user, quoted as follows:

> According to the present invention, this system and method also *permits remote users* to establish individual or group accounts, to obtain information or order services regarding pets, death, DNA and other related topics from a plurality of sources and vendors, and to be charged for selected services via their established accounts through methods and techniques that are well known to those skilled in the art.

(paragraph 0036, emphasis added).

Third, Figures 1, 1A, 2, 6, and 7 clearly show support for the recitation. Note that access to public and personal sections are "with password protection" and/or "password protected" in Figure 1 and Figures 1A, 2, 4 and 5 show protected password usage required for access to some

content. In addition, figure 1 includes descriptions such as "member access page" and "nonmember access page", a term understandable by an ordinary person skilled in the art as trade terms used for accessing a server by a remote user.

Claims 19, lines 5, 6, and Claim 21 stand rejected under 35 U.S.C. §112 first paragraph with the Examiner asserting that "sending a command to start a client program, receiving commands . . . and transmitting data to a remote computer" does not appear to have support for the specification in juxtaposition with the drawings, as originally filed.

The Applicants believe support for the above referenced phrase can be found in paragraph 0036, which in part as follows: "to send commands to start a client program, to receive commands from a remote computer, to pass commands to a software session, and to transmit data to a remote computer."

Claim 1 is rejected under 35 U.S.C. §112 second paragraph as allegedly indefinite with the Examiner asserting that "a command" from line 14 is not clear in juxtaposition with "a command" from line 15.

The Applicants amended the claim as follows, in pertinent part: "(c) permitting said remote users to start a client session by sending a command and receiving a response of said command from said remote computer."

II.   Rejection under 35 USC § 103

Claim 1, 4, 6-11, 19-22 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mindrum, US 7,222,120, in view of Abene et al., US 6,669,975 and Official Notice. The Examiner stated that Mindrum does not disclose a pet calculator. However, Abene discloses obtaining information regarding pet-related services from a plurality of sources and providing results and feedback to a user. Official notice was also taken by the Examiner in which charging a member user account for use of a web site and sending and receiving a command from a remote computer and transmitting data to a remote computer using a protected password has been common knowledge in the electronic world wide web database art.

The Applicants respectfully request the Examiner to consider the following arguments.

1.   The Examiner must not utilize the Applicants' disclosure against the Applicants. The Examiner, however, improperly uses Applicants' own specification against the Applicants for pet calculator. With regard to pet calculator, no admissions are made in the specification that it is old or public. The specification does indicate that simple known algorithms are used to manipulate the information. However, compilation of the data, calculations, and provision of information to a user is not admitted to be of the property of "common knowledge database", as the Examiner alleges.

2.   Mindrum is based on a provisional with relatively little disclosure. In addition to the payment as acknowledged by the Examiner, the provisional fails to show figure 2 referenced by the Examiner in the rejection, multiple sources of pet information and permitting access to portions of said computer server via a password. Abene does not show obtaining information from a plurality of sources. No references teach hosting one or more internet web sites on the server.

3.   The examiner failed to establish a *prima facie* case of obviousness because the Examiner failed to provide any reasoned analysis as to why a combination of disparate teachings would have been obvious to a person of ordinary skill in the art.

Case law on rejections on obviousness grounds clearly point out that a rejection cannot be sustained by mere conclusory statements. "[T]here must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness". KSR Int '1 Co, v. Teleflex Inc., 127 S.Ct. 1727, 1741 (2007) (quoting In *re* Kahn, 44 1 F.3d 977,988,78 USPQ2d 1329, 1336 (Fed. Cir. 2006)). Providing a reasoning as to why a person of ordinary skill in the art would have a combination suggested by the Examiner is a key element missing in the Office Action. Therefore, the Examiner must either provide a reason or allow the claims.

Mindrum discloses an invention related to methods for retrieval of stored data by searching registry information. Abene is directed to an invention consisting of a customized dietary health management system for pets. The examiner's assertion, 'pet-related services from a plurality of sources and providing results and feedback to a user for Mindrum would have been

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obvious in view of Abene", is, at best, a belief based on hindsight formed on the knowledge of instant claims because the statement failed to articulate the reason why it would have been obvious to combine the two cited arts at the time of invention. Without proper reasoning, the Applicants must presume that the suggested combination is a product of improper reasoning and therefore the Examiner failed to establish a case on the ground of obviousness.

The Examiner also failed to provide any rationale or factual basis as to why the two references should be combined at all. The Applicants was not provided with any reasoning as to how combining the two references would be advantageous in solving or in bringing about the instant claims.

4.   The examiner failed to establish a case of obviousness because citing Abene does not cure the deficiency of Mindrum.

The Examiner acknowledged that Mindrum fails to teach pet calculator (OA paragraph 6). The Examiner then cited Abene and stated that it discloses "obtaining information regarding pet-related services from a plurality of sources and providing results and feedback to a user." The Applicants disagree with the Examiner's characterization of Abene. Abene neither teaches nor suggests the use of multiple sources of pet-related services, one of the key features disclosed in the present invention. Abene, to the best of Applicants' knowledge, teaches a customized dietary health management system for pets where input data consists of a pet's character. The purpose of the system is to provide a tabulated information consisted of customized dry pet food product. The Examiner's grounds for suggesting that such reference teaches claimed limitations such as 'multiple sources of pet-related information and services from a plurality of sources' - is not apparent and the Examiner does not identify the location of such teachings in Abene. Therefore, the combined references do not teach all claimed limitations of the instant claims.

5.   The Examiner failed to provide any basis for rejecting dependent claims.

The OA dated on October 29, 2008 is completely silent on the reason(s) as to why the dependent claims are rejected other than they are stated as rejected. The additional limitations of the dependent claims are not address in the rejection.

6.   The Applicants responded on September 16, 2008 and provided arguments for the ground of allowability of instant claims. The October 29, 2008 Office Action is completely silent on the Applicants' nonobviousness arguments in its remark.

MPEP 707.07(f) requires the Examiner as follows:

> Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it.

The Applicants would like to remind the Examiner that MPEP 707.07(f) directs the Examiner to respond to the Applicants' remark.

CONCLUSION

In light of the remarks set forth above, Applicant believes that all the claims are in condition for allowance. Applicant respectfully requests that this patent application to promptly be passed to issuance. The Examiner is encouraged to telephone the undersigned with any question related to this application.

FEE AUTHORIZATION

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. **23-2415** (Docket No. 30831-703.201).

Respectfully submitted,

Dated: March 6, 2009

By:_____
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